

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONOVAN CHAD BREVIK,

Petitioner,

v.

CHARLES SCHUYLER,

Respondent.

No. 2:23-cv-01639-KJM-EFB (HC)

ORDER

Petitioner is an unrepresented state prisoner seeking a writ of habeas corpus under 28 U.S.C. § 2254. The court directed respondent to file a response to the petition within 60 days of its August 31, 2023 order. ECF No. 18. In the meantime, petitioner filed a motion to amend the petition to remove claims 8, 9, and 10, because he has not exhausted those claims in the state court. ECF No. 22. Respondent does not oppose the motion to amend. ECF No. 26.

The motion to amend (ECF No. 22) is GRANTED, and the amended petition, appearing at pages 3-57 of ECF No. 22 is accepted as the operative pleading in this case. Fed. R. Civ. P. 15(a). Respondent shall respond to the amended petition within 30 days of the date of this order. The Clerk of court is directed to terminate petitioner's motion for clarification (ECF No. 25).

So ordered.

Dated: October 30, 2023


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE